

BEFORE
THE COPYRIGHT ROYALTY BOARD
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Copyright Royalty Board

Distribution of the 2011
Cable Royalty Funds

Docket No. 2012-9
CRB CD 2011

COMMENTS OF NATIONAL PUBLIC RADIO, INC.

By Federal Register notice dated January 18, 2013, 78 Fed. Reg. 4169, the Copyright Royalty Board ("Board") solicited comment on (1) the motion for partial distribution filed by the parties representing the Phase I claimant categories to which Section 111 cable royalties have been allocated in prior cable distribution proceedings (collectively, "Phase I Parties") and (2) the existence of Phase I and Phase II controversies with respect to the distribution of the 2011 cable royalty funds. As a Phase I Party, National Public Radio, Inc. ("NPR") hereby submits its comments in support of the motion and advises the Board with respect to Phase I and Phase II controversies.

**No Controversy Precludes Distribution of 50 Percent
of the 2011 Cable Royalty Funds**

As a longstanding Phase I claimant, NPR participated in the joint motion requesting the distribution of 50 percent of the 2011 cable royalty funds. See 77 Fed. Reg. at 4170 n.1. As set forth in that motion, there is nothing to preclude the distribution of 50 percent of the 2011 cable royalty funds, even though all the 2011 cable royalty funds remain in dispute at this time. Among other reasons, distribution of the funds is subject to the condition that any overpayment that results from the partial distribution must be repaid with interest in accordance with the agreement to be executed pursuant to Section 801(b)(3)(C)(ii) of the Copyright Act.

Accordingly, while all of the 2011 cable royalty funds remain in dispute, no claimant will be deprived of the share of the 2011 cable royalty funds to which it subsequently may be entitled, notwithstanding the partial distribution.

Existence of Controversy

With respect to Phase I of the 2011 cable royalty distribution proceeding, the shares of funds to be allocated to NPR and the other Phase I claimant groups remains in controversy. With respect to Phase II, NPR is unaware of any Phase II claims with respect to the share of the 2011 cable royalties to be awarded to NPR and its participating member stations. At the same time, there is also no Phase II settlement to report at this time.

Respectfully submitted,



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Date: February 19, 2013

CERTIFICATE OF SERVICE

I, Gregory A. Lewis, hereby certify that a courtesy copy of the foregoing "Comments of National Public Radio" was sent to the following via first class mail, postage prepaid, this 19th day of February, 2013:

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From: crb
Sent: Tuesday, February 19, 2013 3:00 PM
To: Barnett, Suzanne; Roberts, William; Strasser, Richard; Giuffreda, Gina
Cc: Keys, LaKeshia; crb
Subject: FW: Docket No. 2012-9 CRB CD 2011 (Distribution of the 2011 Cable Royalty Funds)
Attachments: NPR1-#22702-v1-Comments_on_Partial_Distribution_of_2011_Cable_Royalties.pdf

From: Greg Lewis [<mailto:glewis@npr.org>]
Sent: Tuesday, February 19, 2013 2:12 PM
To: crb
Subject: Docket No. 2012-9 CRB CD 2011 (Distribution of the 2011 Cable Royalty Funds)

Attached please find NPR's comments in response to the January 18, 2013, Federal Register Notice concerning the above-referenced matter. 78 Fed. Reg. 4169. Please let me know if there are any questions or concerns regarding this matter.

Greg Lewis

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